

Docket No.: 014058-016300US

Commissioner for Patents, Washington, D.C. 20231

On 01/03/03

TOWNSEND and TOWNSEND and CREW LLP

By: Walter Newell

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JORY R. BALDRIDGE et al.

Application No.: 10/068,398

Filed: February 4, 2002

For: PROPHYLACTIC AND
THERAPEUTIC TREATMENT OF
INFECTIOUS AND OTHER DISEASES
WITH IMMUNOEFFECTOR
COMPOUNDS

Examiner: Leigh C. Maier

Art Unit: 1623

ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Requirement for Restriction dated November 5, 2002, Applicants elect to prosecute method-of use claims 1-44 and 61-63, with traverse.

Applicants submit that the compositions and methods of use are classified in the same class and subclass, so that searching both in the same application would produce no burden on the examiner.

In addition, while the examiner states that the compositions may be used in materially different processes, this conclusion is supported only because the examiner seeks to divide the generic claims to methods of ameliorating or substantially preventing certain conditions in a subject into different methods. However, as stated below, Applicants submit that, in the absence of prior art, they are entitled to generic claims as